

Message Text

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ORIGIN COME-00

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E.O. 11652: N/A

TAGS: BGEN, IN

SUBJECT: REGULATIONS ON USE OF U.S. NATIONAL EMBLEM ON
COMMERCIAL GOODS

REF: BOMBAY 3204

COMMERCE-STATE UNCLEAR WHETHER INDIAN FIRM INTENDS TO
EXPORT INAUGURAL SOUVENIRS OR GENERAL MERCHANDISE BEARING
U.S. FLAG AND EMBLEM. ALSO NOT CLEAR WHETHER TERM
"NATIONAL EMBLEM" REFERS TO "GREAT SEAL OF THE U.S." ON
BASIS OF INFORMATION CONTAINED IN REFTEL, FOLLOWING MAY BE
HELPFUL IN REPLYING TO INDIAN FIRM. U.S. INAUGURAL
COMMITTEE GRANTS LICENSES (1) TO STREET VENDORS TO
SELL SOUVENIRS ALONG PARADE ROUTE AND (2) TO U.S.
MANUFACTURERS TO PRODUCE FOR SALE INAUGURAL SOUVENIRS
BEARING OFFICIAL INSIGNIA, EMBLEMS, PICTURES,
ETC. COMMITTEE STAFF REPRESENTATIVE NOTED REGULATIONS
ARE NOT SPECIFIC WHETHER LICENSEES CAN HAVE PRODUCTS MADE
ABROAD FOR IMPORTATION AND SALE. COMMITTEE DOES HAVE
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AUTHORITY ENJOIN NON-LICENSED PARTIES FROM SELLING IN-
AUGURAL SOUVENIR MATERIALS. U.S. IMPORTER OF INDIAN
FIRM'S PRODUCTS WOULD HAVE RESPONSIBILITY DETERMINING
WHETHER IMPORTED INAUGURAL SOUVENIRS MAY BE LEGALLY SOLD
IN ABSENCE OF LICENSE FROM INAUGURAL COMMITTEE.

AS TO EXPORTS OF GENERAL MERCHANDISE, SENATE-HOUSE JOINT RESOLUTION (PUBLIC LAW 94-344, JULY 7, 1976) PROVIDES THAT AMERICAN FLAG SHOULD NEVER BE USED AS WEARING APPAREL, BEDDING, OR DRAPERY, OR FOR ADVERTISING PURPOSES IN ANY MANNER WHATSOEVER, OR AS A COSTUME OR ATHLETIC UNIFORM. PUBLIC LAW 89-807, NOVEMBER 11, 1966, PROHIBITS USE OF LIKENESSES OF THE GREAT SEAL OF THE U.S., IN ANY ADVERTISEMENT OR OTHER MANNER DESIGNED TO CONVEY THE IMPRESSION OF U.S. GOVERNMENT SPONSORSHIP OR APPROVAL. INDIAN FIRM SHOULD ENLIST SERVICES OF IMPORTERS OR LEGAL REPRESENTATIVE IN U.S. TO ASCERTAIN IF ANY OF ITS GENERAL MERCHANDISE INTENDED FOR EXPORT BEARING U.S. NATIONAL FLAG OR OTHER OFFICIAL INSIGNIA MIGHT BE IN VIOLATION OF ABOVE STATUTES. TEXTS OF STATUTES FOLLOW.

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